

### Remarks

Claims 1-11 remain pending in this application after entry of this paper. Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Farry (U.S. Patent No. 5,608,447). Applicant believes that the invention is patentable.

Claim 1 recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set-top-box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and a set-top-box. The broadband digital terminal is connected to the data network. The method further comprises sending a private data packet from the service provider, over the network to the set-top-box. The packet contains application interface information and contains the service provider address. The method further comprises establishing an impulse pay-per-view communication path between the set-top-box and the service provider based upon the address to allow interactive programming between the service provider and the set-top-box.

Put another way, the invention comprehends sending application interface information and the service provider address in a private data packet from the service provider such that (instead of simply receiving streaming data) an impulse pay-per-view communication path between the set-top-box and the service provider is established to allow interactive programming between the service provider and the set-top-box. The invention personalizes the data sent on a private virtual channel between the provider and the broadband digital terminal. The use of the private data packets from the provider brings the interactivity of programming to a new level, not achieved by any known systems.

Farry is far different than the invention. Farry does describe a full service network. However, in Farry, the level one gateway manages the establishment of connections between subscribers and the information sources. The level one gateway provides necessary menus to guide the selection of the information desired by the subscriber. Col. 2, ll. 60-63.

In the Office Action, the Examiner acknowledges that the level one gateway manages the establishment of connections by stating that "if services requested is video-on-demand, gateway 1, initiates connection via network to information server . . ." The Examiner further states that "once the communication session is established, the connection between gateway 1 and the DET is broken down." Thus, Farry requires the level one gateway to manage the establishment of connections and the Examiner acknowledges such a requirement.

In contrast, the invention uses private data packets to establish an impulse pay-per-view communication path between the set-top-box and the service provider. Applicants' innovative technique has a number of advantages. The use of a level one gateway to establish connections in the prior art is far different than the claimed invention which, as recited by claim 1, sends a private data packet from the service provider containing application interface information and containing the service provider address, and establishes an impulse pay-per-view communication path. Claim 1 is believed to be patentable.

Claims 2-4 are dependent claims and are also believed to be patentable.

Claim 5 is an independent claim for a system of the present invention and is also believed to be patentable. Claim 5 recites similar subject matter as independent claim 1 including the use of the private data packet containing application interface information and the destination address as well as establishing an impulse pay-per-view data path extending from the set-top-box to the broadband digital terminal.

Claims 6-11 are dependent claims and are also believed to be patentable.

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Allowance of claims 1-11 is respectfully requested.

Respectfully submitted,  
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